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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/525,579	07/24/1998	Murray Figov	0866/0E519	7319
7590	11/23/2004		EXAMINER	
Darby & Darby, P.C. 805 Third Avenue 27 Floor New York, NY 10022-7513			TRAN, HUAN HUU	
			ART UNIT	PAPER NUMBER
			2861	

DATE MAILED: 11/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/525,579

Applicant(s)

FIGOV ET AL.

Examiner

Huan H. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 6, 7, 11, 12, 16 and 19 is/are rejected.
- 7) ☒ Claim(s) 3-5, 8, 9, 13-15, 17 and 18 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 July 1998 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 01/16/01;01/06/99.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

2. Figures 1 and 2 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.121(d)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claim 16 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 16, "said pre-exposure calibration" lacks antecedent basis.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over admitted prior art in view of Kessler et al. (US Patent 5745153).

With reference to Fig. 2 of the drawings, admitted prior art discloses an imaging apparatus comprising:

a moving imaging apparatus (10) comprising a plurality of IR laser diodes (12A-E), each coupled to a corresponding optical fiber (13A-E), the optical fibers are aligned at a distance from an exposure surface of a printing member (mounted on drum 11 which is rotated about a longitudinal axis 4 thereof to affect interline exposure of the printing member with the information representing the image) and providing an output light beam; and

a stationary lens assembly (25) which operates to image said output light beam onto said exposure surface.

moving apparatus (lead screw shown in Fig. 2) attached to the imaging apparatus, said moving apparatus being generally parallel to the longitudinal axis 4 of said drum 11 so as to affect intraline exposure of the printing member.

Admitted prior art does not teach or suggest that the stationary lens assembly (25) is a telecentric lens.

Kessler et al. teaches the use of a telecentric lens (Col. 6, lines 20) in a laser multibeam printer using a laser diode array.

It would have been obvious to one of ordinary skill in the art to use a telecentric lens as taught by Kessler et al. in the printer of admitted prior art to compensate for changes in the distance between the

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surface of the printing member and the aligned light emitting end of the fiber optics, thus reducing the lateral spacings between printing dots.

7. Claims 6-7, 11, 12, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over admitted prior art in view of Kessler et al. as applied to claim 1 above, and further in view of Kurtz et al. (US Patent 5808657).

Admitted prior art modified by Kessler et al. discloses the claimed invention except that it does not explicitly teach an intensity changer attached to each said laser diodes for changing the current of each laser diode during exposure.

However, the concept of individually modulating each laser diodes is well known in the art as evidenced by Kurtz et al. See Col. 1, lines 21-23.

Therefore it would have been obvious to one in the art to individually modulate each of the laser diodes in the printer of admitted prior art modified by Kessler et al. as taught by Kurtz et al. to obtain the desired intensity of the print pixels.

8. Claim 2 rejected under 35 U.S.C. 103(a) as being unpatentable over admitted prior art modified by Kessler et al. as applied to claim 1 above, and further in view of Wakimoto et al (US Patent 5414561).

Admitted prior art modified by Kessler et al. discloses the claimed invention except for the recited output numerical aperture of the lens assembly.

Wakimoto et al. discloses a telecentric imaging optical system with an output numerical aperture of the lens assembly being 0.05 (Col. 6, lines 50-52).

It would have been obvious to one of ordinary skill in the art to use the telecentric lens taught by Wakimoto et al. in the printer of admitted prior art modified by Kessler et al. to keep the magnification power of the lens small, thus keeping the print dot size small.

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Allowable Subject Matter

9. Claims 3,4,5,8,9, 13-15,17, 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. Claim 10 is allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huan H. Tran whose telephone number is (571) 272-2261. The examiner can normally be reached on at work on W-F from 6:30 to 5; T are telework days.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Talbot can be reached on (571) 272-1934. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Huan H. Tran
Primary Examiner
Art Unit 2861

hht
11/19/04